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Attorney for Debtor-Defendant  
Christopher Beck Crosby

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA  
(Sacramento Division)

In re:	)	Case No: 13-27293
	)	Adv. No: 13-02306
CHRISTOPHER BECK CROSBY and	)	
	)	SCR-6
TANA MARIE CROSBY,	)	
	)	
Debtors.	)	<b>DEFENDANT'S MOTION TO DISMISS</b>
	)	<b>PLAINTIFFS' FIRST AMENDED</b>
	)	<b>COMPLAINT FOR FAILURE TO</b>
	)	<b>STATE A CLAIM ON WHICH RELIEF</b>
	)	<b>CAN BE GRANTED (FRCP 12(b)(6))</b>
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JAIME SANDOVAL and MARY	)	
	)	<b>Date: August 28, 2014</b>
SANDOVAL,	)	<b>Time: 1:30 p.m.</b>
	)	<b>Sixth floor, Courtroom 33</b>
Plaintiffs,	)	
	)	
v.	)	<b>Hon. Ronald H. Sargis</b>
	)	
CHRISTOPHER BECK CROSBY,	)	
	)	
Defendant.	)	
	)	
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Defendant-Debtor Christopher Beck Crosby ("Defendant") hereby moves to dismiss Plaintiffs' First Amended Complaint ("FAC") pursuant to Federal Rule of Civil Procedure § 12(b)(6). Defendant's Motion is made on the following grounds:

(1) Plaintiffs' FAC fails to state claims on which relief can be granted;

1 (2) Defendant is entitled to judgment as a matter of law;

2 (3) Plaintiffs have failed to adequately plead their claim under 11 U.S.C. § 523(a)(2) as  
3 they have not alleged facts which, if accepted as true, would establish that (A) Defendant  
4 knowingly made a false statement of material fact, (B) with the intention to defraud Plaintiffs,  
5 and (C) that Plaintiffs reasonably relied upon any statement made by Defendant;

6 (4) Plaintiffs have failed to adequately plead their claim under 11 U.S.C. § 523(a)(6) as  
7 they have not alleged facts which, if accepted as true, would establish that Defendant willfully  
8 and maliciously injured them.

9 Plaintiffs' FAC fails for the same reasons their initial Complaint failed on Defendant's  
10 prior motion for judgment on the pleadings [Doc27]. Accordingly, and for the reasons set forth  
11 in Defendant's Memorandum of Points and Authorities served and filed in support of this  
12 Motion, Defendant seeks:

13 (1) an Order dismissing the FAC;

14 (2) judgment in his favor on all of Plaintiffs' claims; and

15 (3) costs of suit herein.

16 Dated: October 30, 2014

Respectfully,

17 /s/ Stephen C. Ruehmann

18 Stephen C. Ruehmann, Esq.

19 Attorney for Debtor-Defendant Christopher  
20 Beck Crosby  
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